

**SUPREME COURT MINUTES
THURSDAY, APRIL 14, 2005
SAN FRANCISCO, CALIFORNIA**

S130850 B170571	Second Appellate District, Division Three	PEOPLE v. ARELLANO Time extended to grant or deny review to May 23, 2005.
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S131416 A108995	First Appellate District, Division Five	MASTERCARD INTERNATIONAL v. S.C. (CALIFORNIA LAW INSTITUTE) Time extended to grant or deny review to May 13, 2005.
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S131457 F042436	Fifth Appellate District	PEOPLE v. HOWARD Time extended to grant or deny review to May 23, 2005.
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S131580 D043110	Fourth Appellate District, Division One	PEOPLE v. DELROSARIO Time extended to grant or deny review to May 23, 2005.
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S131596 H026748	Sixth Appellate District	PEOPLE v. ALVARADO Time extended to grant or deny review to May 24, 2005.
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S131607 G034629	Fourth Appellate District, Division Three	SHIPP v. S.C. (PEOPLE) Time extended to grant or deny review to May 23, 2005.
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S131636 C048969	Third Appellate District	THURMAN (KELLY) ON H.C. Time extended to grant or deny review to May 24, 2005.
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S131641

E035085 Fourth Appellate District,
Division Two

KIBLER v. NORTHERN INYO COUNTY
LOCAL HOSPITAL DISTRICT

Time extended to grant or deny review

to May 23, 2005.

S131756

C048391 Third Appellate District

DANA (ROBERT) ON H.C.

Time extended to grant or deny review

to May 26, 2005.

S131781

B180944 Second Appellate District,
Division Three

HOOK (LANCE GRANT) ON H.C.

Time extended to grant or deny review

to May 26, 2005.

S131817

D042551 Fourth Appellate District,
Division One

PEOPLE v. JETER

Time extended to grant or deny review

to May 26, 2005.

S044693

PEOPLE v. WALL (RANDALL C.)

Extension of time granted

to June 1, 2005 to file appellant's opening brief.
Extension is granted based upon counsel
Darlene M. Ricker's representation that she
anticipates filing that brief by 6/1/2005. After
that date, no further extension is contemplated.

S055856

PEOPLE v. ROMERO & SELF

Extension of time granted

to June 7, 2005 to file appellant's SELF'S
opening brief. After that date, only five further
extensions totaling about 270 additional days
will be granted. Extension is granted based
upon counsel William D. Farber's representation
that he anticipates filing that brief by 3/1/2006.

S067353

PEOPLE v. GONZALES (IVAN)
Extension of time granted

to June 24, 2005 to file appellant's opening brief.

S076334

PEOPLE v. ARISMAN (DAVID W.)
Extension of time granted

to June 6, 2005 to file appellant's opening brief.

S077009

PEOPLE v. CARRASCO (ROBERT)
Extension of time granted

to June 7, 2005 to file appellant's opening brief.

S126032

CORNWELL (GLENN) ON H.C.
Extension of time granted

to April 15, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Robert Derham's representation that he anticipates filing that document by 4/15/2005. After that date, no further extension is contemplated.

S129115

KIPP (MARTIN JAMES) ON H.C.
Extension of time granted

to May 16, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Randall D. Einhorn's representation that he anticipates filing that document by 7/15/2005.

S130495MASTERS (JARVIS) ON H.C.
Extension of time granted

to May 9, 2005 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Senior Assistant Attorney General Gerald A. Engler's representation that he anticipates filing that document by 5/9/2005. After that date, no further extension is contemplated.

S130598GAY (KENNETH) ON H.C.
Extension of time granted

to May 16, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by 7/15/2005.

S130931SCHWARZENEGGER v. S.C. (AREVALO)
Order filed

The order filed on April 14, 2005, denying the petition for review is amended to reflect the above-entitled superior court.

B181705 Second Appellate DistrictSHEPPARD, MULLIN, RICHTER, etc. et al. v.
S.C. (JOHN M. CLAREY et al.)
Order filed

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division One to Division Seven.

Bar Misc. 4186IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION OF
ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place: (LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S126357IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **HAROLD JOHN GENTNER, JR.** pursuant to our order filed on July 21, 2004, is hereby terminated.

This order is final forthwith.

S130675PRICE ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ROGER DANIEL PRICE, State Bar No. 106203**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days and until he pays sanctions to Ward R. Stringham in the amount of \$500 and \$537 ordered on July 2, 2003, and September 17, 2003, respectively, and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 27, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to

rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S131112

OFFEN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **FRANK OFFEN, State Bar No. 62302**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 21, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar*

(1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S131113

LUDWIG ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ROBERT JOSEPH LUDWIG, State Bar No. 64347**, be suspended from the practice of law for five years and until he: (1) complies with the requirements of standard 1.4(c)(ii); (2) makes restitution; and (3) provides the required declaration, as set forth more fully below, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; and until he makes restitution to: Beverly Miller (or the Client Security Fund, if appropriate) in the amount of \$4,725.89 plus 10% interest per annum from April 10, 2000; (2) Bob Miller (or the Client Security Fund, if appropriate) in the amount of \$2,571.19 plus 10% interest per annum from April 10, 2000; (3) Mirla De La Torre (or the Client Security Fund, if appropriate) in the amount of \$3,188.00 plus 10% interest per annum from April 3, 2001; (4) Mary Moreno (or the Client Security Fund, if appropriate) in the amount of \$21,700.00 plus 10% interest per annum from March 13, 1999; (5) Garry Herron (or the Client Security Fund, if appropriate) in the amount of \$1,533.00 plus 10% interest per annum from April 19, 2000; (6) Jerry Hessen (or the Client Security Fund, if appropriate) in the amount of \$41,250.00 plus 10% interest per annum from July 7, 2000; (7) Grace Scott (or the Client Security Fund, if appropriate) in the amount of \$11,235.00 plus 10% interest per annum from

June 19, 2000; (8) Brenda Oliver (or the Client Security Fund, if appropriate) in the amount of \$938.00 plus 10% interest per annum from February 11, 2000; (9) William Crosby (or the Client Security Fund, if appropriate) in the amount of \$1,102.15 plus 10% interest per annum from February 11, 2000; (10) Richard Cunningham (or the Client Security Fund, if appropriate) in the amount of \$475.00 plus 10% interest per annum from January 12, 2000, and (11) the Client Security Fund for the amount of payment, if any, made to Antonio Castro and/or Herbert Coleman plus 10% interest per annum accruing from the date that the Client Security Fund made such payment, and furnishes satisfactory proof thereof to the State Bar's Office of Probation; and until **Robert Joseph Ludwig** provides to the Office of Probation a declaration signed by a medical doctor indicating that his health permits him to practice law without representing a danger to his clients. **Robert Joseph Ludwig** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 16, 2004. It is also ordered that **Robert Joseph Ludwig** take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Robert Joseph Ludwig** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S131114

MARX ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **CHARLES M. MARX, State Bar No. 124630**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131116

SEIDEN ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **CRAIG P. SEIDEN, State Bar No. 100214**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131117

HUTCHINS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ROBERT BRUCE HUTCHINS, State Bar No. 136790**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days and until he makes restitution to Ralph X. Stone (or the Client Security Fund, if appropriate) in the amount of \$2500 plus 10% interest per annum from April 29, 2003, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar; and until the State Bar Court grants a

motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed on November 30, 2004. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131118

BORG ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ANDREW KEVIN BORG, State Bar No. 122982**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. **Andrew Kevin**

Borg is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 16, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, unless within said year he provides proof of passage of the November 7, 2003, Multistate Professional Responsibility Examination to the State Bar's Office of Probation. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S131119

COOSE ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JAMES MARTIN COOSE, State Bar No. 154099**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed December 8, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2006 and 2007. (Bus. & Prof. Code, § 6086.10.)

S131120

DORSA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **LAWRENCE RODGER DORSA, State Bar No. 176730**, be suspended from the practice of law for three years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years and until he makes restitution to John and Angelina Gabriele (or the Client Security Fund, if appropriate) in the amount of \$5400 plus 10% interest per annum from March 20, 2004; and until he makes restitution to the bank account currently holding funds belonging to unpaid clients from respondent's former partnership (or the Client Security Fund, if appropriate) in the amount of \$542.44 plus 10% interest per annum from December 5, 2003, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on November 22, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he complies with standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective

date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S131121

COLE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **SCOTT EDWARD COLE, State Bar No. 160744**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on December 3, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S132864

HILBERT ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JOHN SELLMANN HILBERT, State Bar No. 133268**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132901**BARNES ON RESIGNATION**

The voluntary resignation of **JOHN GILL BARNES, JR, State Bar No. 24700**, as a member of the State Bar of California is accepted.

S132902**CLIMENHAGA ON RESIGNATION**

The voluntary resignation of **SHERYL ANN CLIMENHAGA, State Bar No. 164626**, as a member of the State Bar of California is accepted.

S132904**DELEON ON RESIGNATION**

The voluntary resignation of **J. RUSSELL DELEON, State Bar No. 161309**, as a member of the State Bar of California is accepted.

S132905**DEMONTE ON RESIGNATION**

The voluntary resignation of **LEONARD FRANCIS DEMONTE, State Bar No. 45009**, as a member of the State Bar of California is accepted.

S132907**DRABKIN ON RESIGNATION**

The voluntary resignation of **JULES DRABKIN, State Bar No. 51970**, as a member of the State Bar of California is accepted.

126519-05THE HONORABLE VAINO HASSAN SPENCER, Presiding Justice of the Court of Appeal, Second Appellate District, Division One, is hereby assigned to assist the Supreme Court of California, as a justice thereof, on April 14, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

126521-05THE HONORABLE KENNETH R. YEGAN, Associate Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to assist the Supreme Court of California, as a justice thereof, on April 14, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

126522-05THE HONORABLE LAURIE D. ZELON, Associate Justice of the Court of Appeal, Second Appellate District, Division Seven, is hereby assigned to assist the Supreme Court of California, as a justice thereof, on April 14, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.